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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Hans-Georg KREYSCH

Examiner: GODDARD, Laura B.

Serial No.: 10/530,875

Group Art Unit: 1642

Filed: April 11, 2005

Title: BISPECIFIC ANTI-ERB-B ANTIBODES AND THEIR USE IN TUMOR THERAPY

RESPONSE TO RESTRICTION REQUIREMENT

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

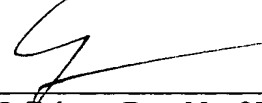
Sir:

In response to the Restriction Requirement dated April 6, 2006, Applicants hereby elect with traverse Group A, subspecies (a).

Withdrawal of the restriction is respectfully requested. At Page 2 of the outstanding Office Action, the Examiner alleges that the claimed bispecific antibodies are *structurally and functionally different species of antibodies* and hence the claims do not relate to single general inventive concept. However, no reference was provided. All the claims in the application involve related subject matter, e.g., a bispecific antibody having the capability to bind to an ErbB receptor molecule. A search would therefore comprise overlapping subject matter, and it would not be an undue burden on the examiner to carry out a search. "If search and examination of an entire application can be made without serious burden, the examiner *must* examine it on the merits, even though it includes claims to independent or distinct invention." (Emphasis added.) M.P.E.P. 803. Accordingly, it is respectfully submitted that the restriction be withdrawn.

No fee is believed to be due with this response, however, the Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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Attorney Docket No.: MERCK-2989
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